REMARKS

I. INTRODUCTION

In response to the Office Action dated August 1, 2006, claims 1-3 have been amended and claims 8-13 have been added. Claims 1-6 and 8-13 remain in the application. It is not the Applicants' intent to surrender any equivalents because of the amendments or arguments presented herein. Entry of these amendments, and re-consideration of the application, as amended, are respectfully requested.

II. ALLOWABLE SUBJECT MATTER

On page 4 of the Office Action, claims 4-7 were objected to as being dependent on a rejected base claim, but would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims.

The Applicants thank the Examiner and formally recognize the allowable subject matter of claims 4-7. The Applicants have amended the independent claims to include the limitations of dependent allowable claim 7, and respectfully submit that all remaining claims are now in good order for allowance. New claims 8-13 merely specify limitations for independent claims 2-3 that were previously set forth in dependent claims 4-6. Accordingly, the subject matter of these new claims 8-13 are fully supported by the specification, contain no new matter, and do not require any further search and/or consideration.

III. PRIOR ART REJECTIONS

On pages 2-4 of the Office Action, claims 1-3 were rejected under 35 U.S.C. §103(a) as being obvious in view of the King, Jr. (U.S. Patent No. 5,608,849).

Specifically, claim 1 was rejected as follows:

> As to claim 1, King Jr. discloses an apparatus for generating image data in a computer system, comprising a computer system having a memory, a display and a user input means (computer in Fig. 1 for processing received information and displaying it in a useful way, column 4, lines 44-46), and one or more computer programs performed by the computer (column 6, lines 12-13) for performing a method of visual guidance for positioning images or data in three-dimensional space which comprises obtaining initial images or data by an imaging means or non-imaging probe located in three-dimensional space by a spatial locater and transmitting to and saving in a computer said image or data and their spatial location. The imaging means (and/or the non-imaging means) then obtains additional current images or data located in three-dimensional space by the spatial locater and transmits the images or data and their spatial location to the computer. The spatial relationship of the image or data currently provided by the imaging or non-imaging probe to the saved image or data

previously obtained by the image or non-imaging probe is computed and the spatial relationship of the current image or data to the previously obtained and saved image or data is displayed in an appropriately two or three-dimensional display. The displayed spatial relationship may be assessed by the operator and used to guide the positioning of the current image or data of the imaging probe (or non-imaging probe) to their desired location as shown in the display. The steps are repeated as necessary until the desired location is achieved. The current image or data and their spatial coordinates may be saved to computer memory when the position is satisfactory and the desired location is achieved. The steps of the method may be repeated as necessary until all images or data are satisfactorily positioned and saved (column 6, lines 62-67, column 7, lines 1-20). Thus, King, Jr. teaches obtaining images and using the spatial relationship between a current image and reference image by using the reference image as a guide for positioning the current image in three-dimensional space. It is noted that King, Jr. does not explicitly teach a defining a first image data as a first layer, but rather positioning a current (second image data) by using a reference image (reference pose layer) as a guide. However, King, Jr. discloses obtaining a plurality of images and it is well known to superimpose a second image data over a first image layer. Therefore, it would have been obvious to position the second image relative to a first obtained image, using the reference image as a guide, because this would accurately place a second image over a current image, which is essential in medical imaging.

The Applicants respectfully traverse the rejections; however, to expedite prosecution, the Applicants have included the patentable subject matter into the independent claims, and respectfully submit that the rejections are now moot.

IV. CONCLUSION

In view of the above, it is submitted that this application is now in good order for allowance and such allowance is respectfully solicited. Should the Examiner believe minor matters still remain that can be resolved in a telephone interview, the Examiner is urged to call Applicants' undersigned attorney.

Respectfully submitted,

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Date: September 29, 2006

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